

In their brief to the Appeals Board, the respondent and its insurance carrier contend (1) claimant's permanent impairment is related solely to aging and, therefore, claimant did not sustain any permanent injury or impairment as a result of the September 1, 1994, accident; (2) that claimant was ultimately fired for cause after the accident and, therefore, should not receive benefits for a work disability because he has intentionally removed himself from the work place; and, (3) that claimant has sustained no wage loss because of an increase in his farm's gross revenue.

Claimant, on the other hand, contends the Judge erred by finding only a 10 percent task loss. He contends the task loss should be at least 63.65 percent.

The issues before the Board on this appeal are:

- (1) Did claimant sustain any permanent injury or impairment as a result of the September 1, 1994, accident?
- (2) What is the nature and extent of claimant's injury and disability?
- (3) Has claimant suffered a loss of ability to earn wages as a result of the accident?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds:

The Award should be affirmed.

The Appeals Board adopts Judge Sample's findings and conclusions as set forth in the well written and well reasoned opinion. The Appeals Board also finds that Mr. Watson made a good faith effort to find appropriate employment after he was terminated by Johnson County Aggregates.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award dated July 21, 1997, and the Order Nunc Pro Tunc dated July 25, 1997, both entered by Administrative Law Judge Julie A. N. Sample should be, and hereby are, affirmed.

IT IS SO ORDERED.

Dated this ____ day of August 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Derek R. Chappell, Ottawa, Kansas
Margaret G. Hague, Kansas City, Mo
Julie A. N. Sample, Administrative Law Judge
Philip S. Harness, Director